

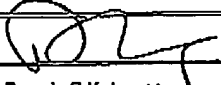
PTO/SB/21 (09-04)

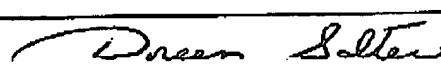
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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/618,956             | <b>RECEIVED</b><br><b>CENTRAL FAX CENTER</b><br><b>AUG 12 2005</b> |
|                                                                                         | Filing Date          | 11 Jul 2005            |                                                                    |
|                                                                                         | First Named Inventor | Nicole PAQUETTE        |                                                                    |
|                                                                                         | Art Unit             | 3643                   |                                                                    |
|                                                                                         | Examiner Name        | Sen T. NGUYEN          |                                                                    |
| Total Number of Pages in This Submission                                                | 3                    | Attorney Docket Number | 1627P01US01                                                        |

| ENCLOSURES (Check all that apply)                                                                                                                                                             |                                                                                            |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached                                                                                             | <input type="checkbox"/> Drawing(s)                                                        | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)                                             | <input type="checkbox"/> Licensing-related Papers                                          | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Extension of Time Request                                                                                                                                            | <input type="checkbox"/> Petition                                                          | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Express Abandonment Request                                                                                                                                          | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Proprietary Information                                        |
| <input type="checkbox"/> Information Disclosure Statement                                                                                                                                     | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input type="checkbox"/> Status Letter                                                  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                                                                                                               | <input type="checkbox"/> Terminal Disclaimer                                               | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53                                    | <input type="checkbox"/> Request for Refund                                                | Written Statement by Applicant pursuant to 37 CFR 1.133                                 |
|                                                                                                                                                                                               | <input type="checkbox"/> CD, Number of CD(s) _____                                         |                                                                                         |
|                                                                                                                                                                                               | <input type="checkbox"/> Landscape Table on CD                                             |                                                                                         |
| <b>Remarks</b><br>The Commissioner is hereby authorized to debit any underpayment or credit any overpayment to the USPTO deposit account no. 16-0600 should any additional fees be necessary. |                                                                                            |                                                                                         |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                                                                     |
|--------------------------------------------|-------------------------------------------------------------------------------------|
| Firm Name                                  | SHAPIRO COHEN                                                                       |
| Signature                                  |  |
| Printed name                               | Dennis S.K. Leung                                                                   |
| Date                                       | 12 Aug 2005                                                                         |
| Reg. No.                                   | 47,325                                                                              |

| CERTIFICATE OF TRANSMISSION/MAILING                                                                                                                                                                                                                                                                           |                                                                                     |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                                                                                     |
| Signature                                                                                                                                                                                                                                                                                                     |  |
| Typed or printed name                                                                                                                                                                                                                                                                                         | Doreen Salter (571 273 8300)                                                        |
| Date                                                                                                                                                                                                                                                                                                          | 12 Aug 2005                                                                         |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl No. : 10/616,956  
Applicant : Nicole PAQUETTE  
Filed : July 11, 2003  
TC/AU : 3643  
Examiner : Son T. NGUYEN  
Docket No. : 1627P01US01

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**WRITTEN STATEMENT BY APPLICANT  
PURSUANT TO 37 CFR 1.133**

Dear Sir:

This is a written statement by applicant pursuant to 37 CFR 1.133 in relation to a telephone interview conducted with Examiner on July 5, 2005.

At the interview between the Examiner and the agent for the applicant, the following matters were discussed.

(A) The Examiner stated that she had considered a proposed amended Claim 25 which had been submitted by the applicant on June 13, 2005 for advance consideration prior to the interview. The agent for the applicant stated that further amendment was now proposed, in particular in order to include, within the body of the claim, the feature of unimpeded access to the platform and the feeding means. This additional feature was proposed to distinguish prior art, such as the Trail reference, which was directed to cages suitable only for indoor feeding of caged birds, and is consistent with the preamble of the claim which indicated that the apparatus was for outdoor feeding of wild birds.

To define this feature, the applicant proposed to divide the two features of subpara. (a) of the previously proposed Claim 25 into two separate limitations, one to the platform and the second to the plurality of cover support members; and at the same time reorder the limitations so that the cover member would be introduced following the platform; and the cover support members would be defined as providing substantially unimpeded access to the platform from all sides.

The Examiner agreed that the structural limitation of providing unimpeded access to the feeder means from all sides would overcome the Trail and Mattox references.

(B) The Examiner adverted to the Golden reference as disclosing a hollow support means; however, the applicant confirmed that the reference was directed to providing a means to propel food upwards from a supply at a level below a feeder, and did not disclose any means of carrying waste downwards, which would clearly distinguish this reference.

(C) No agreement was reached as to allowability, but the Examiner invited the applicant to file a response to the Office Action including the proposed amendments as discussed, but stated that the amendments as proposed might necessitate an additional search.

Should any payments be necessary, the undersigned hereby authorizes the Commissioner to debit and/or credit our Deposit Account No. 16-0600.

Respectfully Submitted,  
Nicole PAQUETTE

By: 

Dennis S.K. Leung  
Reg. No. 47,325

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